

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAMONT HAGAN,	:	CIVIL ACTION NO. 1:10-CV-0883
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
JEFFREY BEARD, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 26th day of January, 2011, upon consideration of defendants' motion to dismiss plaintiff's amended complaint pursuant to Federal Rule of Civil Procedure 12(b) (Doc. 11), and it appearing that, in an effort to cure the deficiencies of the complaint, plaintiff filed a "motion for allowance to amend to make complaint sufficient" (Doc. 40), and filed a proposed second amended complaint (Doc. 43), and it further appearing that the proposed document submitted is deficient in that it contains a whole host of unrelated claims, potentially in violation of Rule 20 of the Federal Rules of Civil Procedure¹, it is hereby ORDERED that:

¹The rule imposes two specific requisites to the joinder of parties: (1) a right to relief must be asserted by, or against, each plaintiff or defendant relating to or arising out of the same transaction or occurrence, or series of transactions or occurrences; and (2) some question of law or fact common to all the parties must arise in the action." Mosley v. General Motors Corp., 497 F.2d 1330, 1333 (8th Cir. 1974).

1. Defendants' motion to dismiss (Doc. 34) is GRANTED to the extent that plaintiff will be directed to file a second amended complaint.
2. Plaintiff's motion to amend (Doc. 40) is GRANTED.
3. Plaintiff's proposed second amended complaint (Doc. 43) is REJECTED.
4. The Clerk of Court is directed to FORWARD to plaintiff a civil rights form complaint.
5. Plaintiff shall FILE a second amended complaint, utilizing the enclosed civil rights form, on or before February 15, 2011. No attachments to the form will be accepted by the Court.
6. The second amended complaint shall contain the same case number that is already assigned to this action (1:10-CV-0883) and shall be direct, concise, and shall stand alone without reference to any other document filed in this matter. See FED. R. CIV. P. 8(e).
7. Plaintiff is strictly cautioned that the inclusion of separate, unrelated claims will be considered a failure to comply with an order of Court and will result in rejection of the second amended complaint. See FED. R. CIV. P. 20.
8. Failure to file an second amended complaint within the specified time period will result in the matter proceeding on the amended complaint (Doc. 31), and the court considering defendants' arguments to dismiss the amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) on the merits.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge